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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,442	02/19/2004	Charles Phillips	PHILLIPS	5640
156	7590	10/12/2006	EXAMINER	
KIRSCHSTEIN, OTTINGER, ISRAEL & SCHIFFMILLER, P.C. 489 FIFTH AVENUE NEW YORK, NY 10017			GRAY, LINDA LAMEY	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/782,442

Applicant(s)

PHILLIPS, CHARLES

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,14,16,17,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 2,3,5-13,15,18 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**Detailed Action**

**Claim Rejections - 35 USC 102**

**1.** The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action. The indication of some allowable subject matter is withdrawn in view of the following references.

**2. Claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Isakson (US 5,484,505).**

**Claims 1 and 17,** Isakson et al. teach a method of and arrangement for manufacturing object 20 (Fig 1) including the steps of forming support carrier 20' (Fig 3; c 4, L 66, to c 5, L 2) of a shape-retaining material in that carrier 20' maintains its shape through the method; placing carrier 20' on conveyor 101 for conveying carrier 20' past a sealing workstation which includes item 126 (Fig 3; c 6, L 14-60) (means for supplying); positioning a lower sanitary napkin film on and in overlapping relationship with carrier 20' (means for positioning); positioning upper film 54 on an in overlapping relationship with the lower film at roller 118 and roller 122 (means for positioning); sealing overlapping portions of the films together at the sealing workstation to form a sealed film assembly while the films are positioned on carrier 20'; and removing the assembly from carrier 20' after sealing in that the assembly is a sanitary napkin intended for use (means for removing). Figure 4, and the related text discussion, demonstrates flexibility of the lower film and film 54 relative to the flexibility of the material for carrier 20'.

**3. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 5,700,340).**

**Claim 21**, Johnson et al. sealed film arrangement including support carrier 105 of a shape-retaining sheet material of paper which is the same as shown in pending specification; lower film 101 of yarn material more flexible than the material of carrier 105 and detachable mounted on an in overlapping relationship with carrier 105 considered to support against flexing of film 101 since it is adhesive mounted thereto; upper film 102 of the material as film 101 are more flexible than the material of carrier 105; sealed overlapping portions of the films where the limitation of "while the films are positioned on the carrier" refers to a method of making the claimed arrangement which is not shown to provide a structural difference; and the arrangement is removably mounted on carrier 105 by detachment of film 101 from carrier 105.

**Claim Rejections - 35 USC 103**

**4. Claims 14, 20, and 16 are rejected under 35 USC 103(a) as being unpatentable over Isakson et al.**

**Claims 14 and 20**, Isakson et al. do not teach printing or a means for printing on the assembly in registration with carrier 20; however, printing upon the release paper of a sanitary napkin, such as attractive designs, is conventional before distribution to present a more appealing product, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Isakson et al.

**Claim 16**, Isakson et al. do not teach adhering the lower film and film 54 over the entire surface area of contact; however, such bonding is conventional in the sanitary napkin art as an art alternative to the patterned adhesive disclosed by the reference and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Isakson et al. because it is

obvious to replace one adhesive placement with another art recognized adhesive placement.

**Allowable Subject Matter**

**5. Claims 2 and 13, 3, 5, 6, 7-12, 15, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.**

**6.** The following is a statement of reasons for the indication of allowable subject matter:

**claim 2:** Isakson et al. do not teach that the positioning step is performed by feeding the lower film and film 54 from respective film rolls through the sealing station and it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in Isakson et al. that the lower film and film 54 are each discrete films as show in Figure 1;

**claim 3:** Isakson et al. do not teach coating the lower film and film 54 with fusible coatings in that only film 54 is coated with a non-fusible coating which faces the lower film where the adhesive is not fusible because Isakson et al. teaches sealing occurs without the need for heat from fingers 130;

**claims 5 and 18:** Isakson et al. do not teach adhering or a means for adhering the lower film to carrier 20' simultaneously with performing the sealing step such that maintaining a correct positional relationship between the assembly and carrier 20' during manufacture is not met.;

**claim 6:** Isakson et al. do not teach laminating the lower film to carrier 20' which the films are positioned thereon; and

**claims 7 and 19:** Isakson et al. do not teach a means for cutting the lower film and film 54 while the films are positioned on carrier 20 in that such cutting is not necessary because the final assembly is already completely formed.

**7.** As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements are specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP 707.07(a).

**Other Art Of Record**

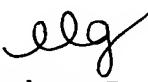
8. The following prior art is also made of record: for claims 1 and 17, Strassberg (US 5,575,880) teaches a method of and arrangement for manufacturing object 28 (Fig 1) including the steps of forming support carrier 14 of a shape-retaining material in that carrier 14 maintains its shape through the method; placing carrier 14 on conveyor 18 for conveying carrier 14 past a sealing workstation which includes item 21 (means for supplying); positioning lower film 12 on and in overlapping relationship with carrier 14 (means for positioning); positioning upper film 10 on an in overlapping relationship with lower film 12 at item 16b (means for positioning); and sealing overlapping portions of the films together at the sealing workstation to form a sealed film assembly while the films are positioned on carrier 14. However, Strassberg does not teach removing the assembly from carrier 14 after sealing in that the assembly is intended to include carrier 14 as part thereof and does not teach means for removing the assembly from carrier 14. Also, film 10 and carrier 14 are of the same material such that there is not a demonstration in the reference of the flexibility of film 10 being greater than that of carrier 14 or the flexibility of film 12 being greater an that of carrier 14. For claim 21, Strassberg does not teach that film 12 is detachably mounted to carrier 14 in that film 12 and carrier 14 are sealed together as part of the final assembly 28 itself.


**Conclusion**

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public Pair. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-1997 (toll-free).

llg   
October 5, 2006

  
LINDA GRAY  
PRIMARY EXAMINER